

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WILLIAM COHEN, *et al.*,

Plaintiffs,

vs.

CAPITAL ONE FUNDING, LLC, *et al.*,

Defendants.
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Case No. 1:19-cv-03479-KAM

DEFENDANTS' MOTION TO DISMISS THE FIRST AMENDED COMPLAINT

PLEASE TAKE NOTICE that upon the accompanying supporting memorandum of law and the exhibits thereto, Defendants Capital One Funding, LLC ("CO Funding"), Capital One Multi-Asset Execution Trust ("COMET"), and the Bank of New York Mellon, as Trustee of Capital One Master Trust respectfully move, pursuant to Federal Rule of Civil Procedure 12(b)(6), to dismiss Plaintiffs' First Amended Complaint in its entirety and with prejudice.

Dated: September 27, 2019
New York, New York

MURPHY & MCGONIGLE, P.C.

By: /s/ James A. Murphy

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